

PETER C. WOLFF, JR. #2332  
Federal Public Defender  
District of Hawaii

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Attorney for Defendant  
FREDERICK DURLAO

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUN 20 2008  
at 10 o'clock and 05 min. A.M. *mc*  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 02-00351 SOM
	)	
Plaintiff,	)	STIPULATION AND ORDER
	)	REDUCING SENTENCE
vs.	)	PURSUANT TO 18 U.S.C. § 3582(c)
	)	
FREDERICK DURLAO,	)	
	)	
Defendant.	)	
_____	)	

**STIPULATION AND ORDER REDUCING  
SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)**

IT IS HEREBY STIPULATED AND AGREED by and between the parties herein that, pursuant to 18 U.S.C. § 3582(c), the defendant's sentence of 94 months incarceration imposed on March 24, 2003, is reduced to time served. All other provisions of the sentence imposed on March 24, 2003, remain unaltered.

The defendant, FREDERICK Dumlao, is currently serving a term of imprisonment for an offense involving cocaine base (crack). Mr. Dumlao is currently at Mahoney Hale serving the half-way house portion of his incarceration sentence.<sup>1</sup> Mr. Dumlao was contacted by counsel by phone and consents to counsel entering into this stipulation.

Mr. Dumlao was sentenced by this Court on March 24, 2003, to a term of 92 months imprisonment. His guideline range was 92-115 months, based on a total offense level of 24 and a criminal history category of V.<sup>2</sup> The Court sentenced Mr. Dumlao to the low-end of the range.

The parties agree that Mr. Dumlao is eligible for a reduction of his sentence by retroactive application of Amendment 706 pursuant to § 3582(c) and U.S.S.G. policy statement § 1B1.10.

Mr. Dumlao's new guideline range would be total offense level 23, criminal history category V, with a guideline range of 84-108 months.

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<sup>1</sup> Mr. Dumlao successfully completed the incarceration portion of the RDAP program and was released to the half-way house pursuant to the conditions of that program.

<sup>2</sup> It appears that the original PSR may have been in error in determining Mr. Dumlao's sentencing range, as the Probation Department now notes that his total offense level should have been one level higher: 25 rather than 24. This results in a new total offense level of 23 rather than 22.

Given the time that Mr. Dumlao has already served in prison, the parties agree that Mr. Dumlao's new sentence of incarceration should be reduced to TIME SERVED.

WHEREFORE, the parties ask that the Court impose a sentence of TIME SERVED.

IT IS SO STIPULATED:

DATED: Honolulu, Hawaii, June 20, 2008.

/s/ Alexander Silvert

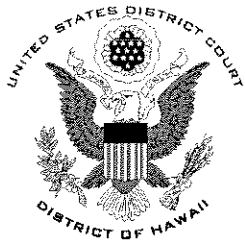
ALEXANDER SILVERT  
Attorney for Defendant  
FREDERICK DUMLAO

/s/ Florence T. Nakakuni

FLORENCE T. NAKAKUNI  
Attorney for Plaintiff  
UNITED STATES OF AMERICA

APPROVED AND SO ORDERED:

DATED: Honolulu, Hawaii; June 16, 2008.



/s/ Susan Oki Mollway

SUSAN OKI MOLLWAY  
UNITED STATES DISTRICT JUDGE

UNITED STATES v. FREDERICK DUMLAO; Cr. No. 02-00351 SOM; STIPULATION AND ORDER  
REDUCING SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)